

REMARKS

This is a Continuation application pursuant to 37 C.F.R. §1.53(b), of application Serial No. 10/130,824, filed on May 23, 2002, which is a National Stage Application under 35 U.S.C. §371, based on International Application No. PCT/EP 00/11813, filed November 27, 2000.

Claims 11 to 48 are currently pending in this case. Claims 1 to 10 have been canceled and Claims 11 to 48 have been added as indicated in the Listing of Claims set forth in Appendix III of this paper.

This Continuation application is being submitted to reinstate claims which were originally presented upon filing of the International application. A detailed cross-reference of the new claims to the original disclosure supporting the claimed subject matter is set forth in the table set forth in Appendix IV of this paper. The specification has been amended to include a proper reference to the parent application. No new matter has been added.

The Examiner in charge of the parent National Stage application (Examiner C. Caixia Lu, Art Unit 1713) did not confirm that a copy of the certified copy of the priority document was on file at the U.S. PTO.

It is respectfully submitted that applicants filed the respective paper during the International phase of the application in compliance with the provisions of PCT Rule 17.1(a), (b)¹⁾. Pursuant to PCT Rule 17.2(a), the International Bureau provides the Designated Offices with a copy of the Certified copy of applicants' priority document. Moreover, MPEP §1893.03(c) sets forth

*The requirement in PCT Rule 17 for a certified copy of the foreign priority application is normally fulfilled by applicant providing a certified copy to the >receiving< Office or to the International Bureau within 16 months from the priority date. Subsequently, the International Bureau forwards a photocopy of the certified priority document when it forwards a copy of the international application (shortly after publication at 18 months from the priority date) to each Designated Office. The copy from the International Bureau is placed in the U.S. national stage file. The International Bureau stamps the face of the photocopy of the certified priority document with an indication that the certified priority document was received at the International Bureau. The stamped copy of the priority document sent to the U.S. >Patent and Trade-mark< Office ** from the International Bureau is acceptable to establish that applicant has filed a certified copy of the priority document.²⁾*

Accordingly, the U.S. national stage file of the parent application should include a copy of the certified copy of the priority document, and the requirements for receiving benefit of the foreign priority claimed through the parent application should be met in this case. Clarification is respectfully solicited.

1) Note the attached confirmation of the International Bureau of WIPO; Form PCT/IB/304 dated February 23, 2001.

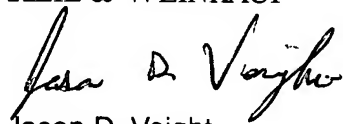
2) MPEP (Rev. 1, Feb. 2003) page 1800-153, emphasis added; copy enclosed.

The Examiner in charge of the parent National Stage application also raised the question whether the expressions "*pyrrolidy*"³⁾ was appropriate under the provisions of 35 U.S.C. §112, ¶2. It is respectfully noted that applicants' disclosure explains the meaning on page 5, indicated line 44 to 46, of the application. Accordingly, "*pyrrolidy*" defines a pyrrol ring which is bonded to the imine nitrogen⁴⁾ via the nitrogen ring member of the pyrrol ring.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Jason D. Voight

Reg. No. 42,205

1350 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

Encl.: THE SUBSTITUTE SECTION(S) OF THE SPECIFICATION (Appendix I)
THE CHANGE(S) IN THE SPECIFICATION (Appendix II)
THE LISTING OF CLAIMS (Appendix III)
CROSS-REFERENCE CLAIM / DISCLOSURE (Appendix IV)
Form PCT/IB/304 dated July 10, 2001
MPEP (Rev. 1, Feb. 2003) page 1800-153

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3) For example new Claim 23.

4) The imine nitrogen is indicated as N^a and as N^b in applicants' formula (I).